REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated June 29, 2004. Claims 1-35 are currently pending in the application. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 3, 5-7, 12-15, 20-25, and 30-33.

In the Office Action, the Examiner has rejected Claims 1, 2, 4, 8-11, 16-19, 26-29, 34 and 35 under 35 U.S.C. § 102(a) as being anticipated by the 3rd Generation Partnership Project 2, C.S0005-0 Version 1.0 (3GPP2), which was published in July, 1999.

With regard to the rejection of independent Claims 1, 9, 17, and 27, the Examiner asserts that the 3GPP2 teaches all the elements of these claims. However, it is respectfully submitted that the Examiner is incorrect.

The present invention relates to a data service apparatus and method in a mobile communication system, and more particularly, to a wireless traffic channel assigning apparatus and method in a mobile communication system for increasing the utilization of a wireless traffic channel by efficiently using the wireless traffic channel. More specifically, in the apparatus and method, a mobile station receives a plurality of supplemental channel assigning messages, stores the received channel assignment messages in a memory, and then conducts data communication using the stored messages.

Upon comparing the present invention with the *3GPP2*, the fields disclosed in *3GPP2* are as follows:

USE_SCRN_SEQ_NUM: Use Supplemental Channel Request Message Sequence Number Indicator.

The base station shall set this field to '1' if the SCRM_SEQ_NUM field is included in this message; otherwise, the base station shall set this field to '0'.

SCRM_SEQ_NUM: Supplemental Channel Request Message sequence number.

If USE_SCRN_SEQ_NUM is set to '1', the base station shall set this field to the sequence number corresponding to the SCRM_SEQ_NUM field in a Supplemental Channel Request Message to which the mobile station is to match this message; otherwise, the base station shall omit this field."

That is, when a BSC assigns a supplemental channel, the fields disclosed in the *3GPP2* indicate if the corresponding assignment is performed by the request of a mobile station or by the need of a BSC itself. Referring to usage of the corresponding field, it is disclosed that the corresponding field is set as 0 and 1 based on the above rule.

Alternatively, "Message Identifier or SEQ" field in the present invention receives a plurality of a supplemental channel assigning message, stores the plurality supplemental channel assigning messages in a memory, and then conducts data communication through the stored supplemental channel assigning messages as illustrated in Fig. 8.

As described above, the *3GPP2* **does not teach or disclose** receiving a plurality of a supplemental Channel assigning message, storing the plurality supplemental channel assigning messages in a memory, and then conducting data communication through the stored supplemental channel assigning messages, which is recited in independent Claims 1, 9, 17, and 27.

Therefore, as compared to the *3GPP2*, the present invention is more advantageous in that it discloses a wireless traffic channel assigning apparatus and method in a mobile communication system for increasing the utilization of a wireless traffic channel by efficiently using a wireless traffic channel. Accordingly, it is respectfully submitted that the *3GPP2* does not teach the claimed

recitations of independent Claims 1, 9, 17, and 27, and it is respectfully requested that the rejection be withdrawn.

As independent Claims 1, 9, 17, and 27 are believed to be in condition for allowance, then, at least because of their dependence on these claims, respectively, dependent Claims 2-8, 10-16, 18-26, and 28-35 are also believed to be in condition for allowance.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-35, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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